

By Johnson Lee

**Amending Title 9, Chapter 172, of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Civilian Police Review Authority.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Subsection 172.30(a) of the above-entitled ordinance be amended to read as follows:

**172.30. Review authority membership.** (a) Composition. The review authority shall be comprised of ~~seven (7)~~ eleven (11) members, ~~four (4)~~ six (6) of whom shall be appointed by the city council, and ~~three (3)~~ five (5) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council. The members shall serve for terms of four (4) years. From the members, a chairperson of the review authority shall be appointed by the mayor, for a term of two (2) years, subject to the approval of a majority of the city council. All members shall continue to serve until their successors have been appointed. ~~Four (4)~~ A majority of the members shall constitute a quorum.

Section 2. That Section 172.95 of the above-entitled ordinance be amended to read as follows:

**172.95. Investigation review.** Within seven (7) days of the date the written summary is submitted, the review authority manager shall review the investigative file and written summary. ~~In conducting the review of the investigation, the review authority manager shall seek input from the complainant advocate.~~ The review authority manager may recommend further investigation that shall be completed within thirty (30) days. In all cases in which no further investigation is recommended, the review authority manager shall present the case at the next meeting of a hearing panel of the review authority allowing for proper notice to the complainant and the police officer.

Section 3. That Section 172.100 of the above-entitled ordinance be amended to read as follows:

**172.100. Hearings related to complaints.** (a) Upon the completion of the investigation of a complaint, a three (3) member panel of the review authority shall weigh and consider all reliable and credible evidence presented. The review authority shall make reasonable efforts to conduct hearings related to complaints within thirty (30) days of the completion of the investigation.

(b) ~~At~~ Prior to the hearing, ~~the~~ a review authority investigator or the manager shall present the investigatory findings of fact and recommendations to the panel. No person other than ~~the~~ a review authority investigator or the manager and the panel members shall be present during the presentation and discussion of the case.

(c) ~~At the close of the case presentation,~~ hearing the complainant and the police officer, or their representatives, shall each be permitted ten (10) minutes to address the review authority, in the presence of each other, regarding the complaint. Other paid or volunteer review authority staff may attend with and assist the complainant, but will not otherwise participate in the hearing.

~~(c)~~ (d) Within thirty (30) days of the completion of a hearing, the hearing panel shall either remand the complaint to review authority staff for further investigation or issue a written report containing

findings of fact and a determination of whether the complaint is sustained. This report shall be made public when permitted by the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes.

~~(d)~~ (e) Notice.

- (1) At least ten (10) days prior to the scheduled hearing, the review authority shall provide written notification to the complainant and the police officer of the date, time and place of the hearing.
- (2) The review authority shall provide written notification of the hearing panel's decision to the complainant and officer.

Section 4. That Subsection 172.120(a) of the above-entitled ordinance be amended to read as follows:

(a) Within ~~five (5)~~ thirty (30) days of receipt of the hearing panel's decision to not sustain a complaint, a complainant may submit a written request for reconsideration to the review authority.

Section 5. That Section 172.40 of the above-entitled ordinance be amended to read as follows:

**172.140. Confidentiality.** The members, staff, and contractors of the review authority shall comply with all of the provisions of the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes. All members and contractors, paid and volunteer, of the review authority shall sign a contract agreeing to comply with the provisions of the Minnesota Government Data Practices Act, currently Chapter 13 of Minnesota Statutes. In return, the city will afford to such member or contractor the same legal protection that any other agent or employee of the city receives who performs duties within the scope of employment.

Section 6. That Section 172.170 of the above-entitled ordinance be amended to read as follows:

**172.170. Staff.** (a) The Minneapolis Department of Civil Rights shall provide staff to support the objectives of this chapter. Review authority staff shall consist of a manager and a community outreach advocate and other positions as necessary. The manager may employ unpaid volunteers to perform the duties of the community outreach advocate on a temporary basis.

(b) *General duties of the manager.* The manager of the review authority shall be an attorney and shall report to the director of the department of civil rights. The manager shall administer the day-to-day operation of the review authority and aid the review authority in carrying out its purpose, including the implementation of a community outreach program.

(c) *General duties of the review authority community outreach advocate.* The community outreach advocate shall report to the manager of the authority and shall perform administrative duties as assigned including:

- (1) Timely and regular communications with complainant from complaint intake through final determination of case.
- (2) Consultation with the manager regarding case review process prior to the manager's recommendation of sustained or not sustained.
- (3) Implementation of community outreach program.

(4) Attendance at hearings when requested by the manager of the authority.

(5) Other duties as assigned by the manager of the authority.

(d) *Firewall.* Department of civil rights staff with access to review authority files shall not have access to civil rights investigation files. Department of civil rights staff with access to civil rights investigation files shall not have access to the review authority files. Information from civil rights investigations shall not be shared with staff assigned to the review authority. Information from review authority investigations shall be shared only with staff assigned to the review authority. The director of the department of civil rights shall have an administrative role with regards to the review authority and shall not have access to investigative files of the review authority.

Section 7. That Section 172.180 of the above-entitled ordinance be amended to read as follows:

**172.180. Requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the review authority.** The Minneapolis Police Department and all other City of Minneapolis employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in hearings, and for access to data and records for the purpose of enabling the review authority to carry out its responsibilities under this chapter. The police officer identified in the complaint shall attend ~~the public portion of the scheduled hearing~~ the hearing and respond to panel questions, consistent with *Garrity vs. New Jersey*, 385 U.S. 493 (1967) and the Minnesota Government Data Practices Act. The failure by any official or employee of the Minneapolis Police Department or by any other City of Minneapolis employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct.